1 2 3 4 5	EDMUND G. BROWN JR., Attorney General of the State of California GLORIA A. BARRIOS Supervising Deputy Attorney General LINDA L. SUN, State Bar No. 207108 Deputy Attorney General 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-6375 Facsimile: (213) 897-2804 Attorneys for Complainant	
7		
8		
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11		
12	In the Matter of the Accusation Against:	Case No. 2009-271
13	SARITA SUNGCHEU 7955 Vantage Avenue	ACCUSATION
14	North Hollywood, CA 91605	
15 16	Registered Nurse License No. 464950 Nurse Practitioner Certificate No. 17923	
17	Respondent.	
18	Complainant alleges:	
19	PARTIES	
20	1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation	
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing	
22	("Board"), Department of Consumer Affairs, State of California.	
23	Registered Nurse License No. 464950	
24	2. On or about March 31, 1991, the Board issued Registered Nurse License	
25	Number 464950 to Sarita Sungcheu ("Respondent"). Respondent's registered nurse license was	
26	in full force and effect at all times relevant to the charges brought herein and will expire on	
	in full force and effect at all times relevant to the cha	irges brought herein and will expire on
27	In full force and effect at all times relevant to the cha September 30, 2010, unless renewed.	itges brought herein and will expire on

Nurse Practitioner Certificate No. 17923

3. On or about December 17, 2007, the Board issued Nurse Practitioner Certificate Number 17923 to Respondent. Respondent's nurse practitioner certificate will expire on September 30, 2010, unless renewed.

JURISDICTION

- Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .
- 7. California Code of Regulations, title 16, section ("Regulation") 1442

states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

2

1 2

3

4

5

6

7

8

9

10 11

12

13

14

15

16

17 18

19

20

21

22

23 24

25

26

27

28

COST RECOVERY PROVISION

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

PATIENT A.K.

- 9. At all times relevant herein, Respondent was employed as a dialysis nurse at Martin Luther King, Jr./Drew Medical Center ("King/Drew") located in Los Angeles, California.
- 10. On or about June 19, 2005, at about 1923 hours, a 49 year-old female patient, A.K., was admitted to King Drew's Emergency Department with complaints of epigastric pain. On June 20, 2005, at about 0330 hours, Patient A.K. was transferred to the intensive care unit ("ICU") for emergency hemodialysis, performed by Respondent. Respondent started the dialysis treatment at approximately 0400 hours and recorded Patient A.K's starting blood pressure as 186/89. At about 0430 hours, other ICU nurses heard Patient A.K. yelling at Respondent for sleeping during her dialysis treatment. At about 0635 hours, Respondent found Patient A.K's AVF fistula needle dislodged from the venous site, causing blood to ooze, but denied hearing the alarm sound. Respondent herself estimated a 6-inch circle of clotted blood on the floor, and additional blood on the bed. Patient A.K's blood pressure at 0630 hours was 79/52. Patient A.K. lost a total of approximately 4 units of blood as a result of this.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

- 11. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about June 20, 2005, Respondent was gross negligently in her care of Patient A.K. as follows:
- a. Respondent failed to act promptly to decrease the risk to the patient once the fistula needle became dislodged during her dialysis treatment;
 - b. Respondent fell asleep during Patient A.K.'s dialysis treatment.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct. Complainant refers to and incorporates all the allegations contained in paragraph 11, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 464950, issued to Sarita Sungcheu;
- 2. Revoking or suspending Nurse Practitioner Certificate Number 17923. issued to Sarita Sungcheu;
- 3. Ordering Sarita Sungcheu to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

Executive Officer

State of California

Complainant

Taking such other and further action as deemed necessary and proper.

Board of Registered Nursing Department of Consumer Affairs

DATED: 4128109

24

25

26

27

28

60405224.wpd